



INTERIOR BOARD OF INDIAN APPEALS

Estate of Wilford Louie "Hops" Broncho

36 IBIA 4 (01/18/01)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

ESTATE OF WILFORD LOUIE : Order Docketing and Dismissing Appeal
"HOPS" BRONCHO :
: Docket No. IBIA 01-42
:
: January 18, 2001

On January 8, 2001, the Board of Indian Appeals received a notice of appeal from Ernestine Broncho Werelus (Appellant), pro se. Appellant seeks review of a November 30, 2000, decision issued in the estate of Wilford Louie "Hops" Broncho by Administrative Law Judge Nicholas T. Kuzmack. The Board finds that this appeal must be dismissed as premature.

Judge Kuzmack correctly informed interested parties that the decision in this estate would be final unless a petition for rehearing was timely filed with the Superintendent, Fort Hall Agency, Bureau of Indian Affairs, in accordance with 43 C.F.R. § 4.241. Rather than filing a petition for rehearing, Appellant filed a notice of appeal with the Board. The Board does not have jurisdiction to entertain an appeal in a probate case unless rehearing has first been sought from the Administrative Law Judge. See 43 C.F.R. § 4.320 ("A party in interest shall have a right to appeal to the Board of Indian Appeals from an order of an administrative law judge on a petition for rehearing, a petition for reopening, or regarding tribal purchase of interests in a deceased Indian's trust estate, and also from a summary distribution order made by the Bureau of Indian Affairs or an administrative law judge pursuant to § 4.271"); Estate of Thomas Nicholas Black Elk, 34 IBIA 212 (2000), and cases cited therein.

The Board contacted Judge Kuzmack's office and was informed that no petition for rehearing had been received. Because no "order of an administrative law judge on a petition for rehearing" has been issued, this appeal is premature.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, but dismissed as premature.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge